



# BOARD OF COUNTY COMMISSIONERS SHELBY COUNTY, TENNESSEE

## AGENDA

**Monday, June 2, 2008**

*Commissioner David Lillard, Chairman  
Commissioner Deidre Malone, Chairman Pro Tempore  
Commissioner Joyce Avery  
Commissioner Henri E. Brooks  
Commissioner Wyatt Bunker  
Commissioner Mike Carpenter  
Commissioner Sidney Chism*

*Commissioner George Flinn  
Commissioner Joe Ford  
Commissioner J.W. Gibson II  
Commissioner James Harvey  
Commissioner Steve Mulroy  
Commissioner Mike Ritz*

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5/30/2008 6:27 PM

**1:30 PM**

**COMMISSION CONVENES**

**CALL TO ORDER**

**Chairman David Lillard**

**OPENING OF THE COMMISSION**

**Deputy Sheriff**

**INVOCATION**

**Reverend Ralph White  
Bloomfield Baptist Church**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Approval of Minutes of Previous Session  
April 28, 2008**

## **CONSENT AGENDA**

### **Resolutions of Memorial, Sympathy and Commendation**

### **Ordinances**

**MALONE**  
Chairman, Budget  
and Finance Committee

1. [ORDINANCE - FIRST READING - Ordinance fixing tax rate for Shelby County for the year 2008.](#)

**FORD**  
Chairman, General  
Government Committee

2. [ORDINANCE - SECOND READING - An ordinance to approve and set the salary of the Chairman of the Shelby County Commission for the 2008-2009 term. Sponsored by Commissioner Joe Ford.](#)

### **Zoning and Subdivisions**

**RITZ**  
Chairman, Land Use  
Committee

3. [Resolution approving various subdivision items, plats, extensions, etc. as recommended by the County Engineer.](#)

a.) Resolution to approve the plat for Stonebriar PD, Area 10, Phase 7, (P.D. 03-335 CC) and authorize the recording of the plat. (Amended in committee 5/28/08)

b.) Resolution to approve the plat for Galluzzi subdivision (S 07-025 CO) and authorize the recording of the plat.

## **Reports and/or Resolutions for Standing Committees**

### **MALONE**

Chairman, Budget  
and Finance Committee

4. Resolution approving the amendment to the contract with Mendola & Associates, LLC for the audit of tangible personal property accounts within Shelby County for Calendar Year 2008 in the amount of \$420,000.00 and appropriating said amount in the fiscal 2008-2009 Operating Budget of the Shelby County Assessor. This item requires expenditure of County General Funds in the amount of \$420,000.00. Sponsored by Commissioner Joseph Ford, Sr.

### **MALONE**

Chairman, Budget  
and Finance Committee

5. Resolution approving expenditure of funds in the amount of \$232,490.38 to Unisource for paper and envelopes to the various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \$232,490.38. Sponsored by Commissioner Deidre Malone.

### **MALONE**

Chairman, Budget  
and Finance Committee

6. Resolution approving expenditure of funds in the amount of \$135,420.51 to Corporate Express for copy and bond paper for the various departments of Shelby County Government. This item requires expenditure of County General Funds in the amount of \$135,420.51. Sponsored by Commissioner Deidre Malone.

### **MALONE**

Chairman, Budget  
and Finance Committee

7. Resolution approving expenditure of funds to American Paper and Twine for \$57,336.92 and Housekeepers Supply for \$405,834.35 a total purchase of \$463,171.27 for disposable paper and plastics to various departments of Shelby County Government. This item requires expenditure of County General Funds in the total amount of \$463,171.27. Sponsored by Commissioner Deidre Malone.

**MALONE**

Chairman, Budget  
and Finance Committee

8. Resolution amending the FY2008 Operating Budget; approving a U.S. Geological Survey grant agreement between Shelby County Government and the U.S. Department of the Interior in the amount of \$50,000.00. Sponsored by Commissioner Deidre Malone.

**AVERY**

Chairman, Hospitals  
and Health Committee

9. A resolution approving an amendment to the operating budget of the Health Start Initiative Grant Program in the amount of \$73,737 and an amendment to the position control budget, and this item requires the expenditure of Federal grant funds under the Healthy Start Initiative Grant Program in the amount of \$73,737. Resolution sponsored by Commissioner Joyce Avery.

**AVERY**

Chairman, Hospitals  
and Health Committee

10. A resolution requesting approval to amend the FY2007-2008 operating budget of the Community Development Health Planning Grant in the amount of \$20,600 and amending the position control budget and this item requires the expenditure of Federal Through State grant funds in the amount of \$20,600. Resolution sponsored by Commissioner Joyce Avery.

**AVERY**

Chairman, Hospitals  
and Health Committee

11. A Resolution approving an amendment to the operating budget of the Immunizations Grant Program in the amount of \$51,600 and an amendment to the position control budget and this item requires the expenditure of Federal Through State grant funds in the amount of \$51,600. Resolution sponsored by Commissioner Joyce Avery.

**AVERY**

Chairman, Hospitals  
and Health Committee

12. A resolution requesting approval to amend the FY2007-2008 operating budget of the Community Prevention Initiative Grant Program in the amount of \$18,500 and amending the position control budget and this item requires the expenditure of Federal Through State Grant Funds in the amount of \$18,500. Resolution sponsored by Commissioner Joyce Avery.

**AVERY**

Chairman, Hospitals  
and Health Committee

13. A resolution requesting approval to amend the FY2007-2008 operating budget of the Women, Infant & Children Program (WIC) in the amount of \$194,850 and amending the position control budget and this item requires the expenditure of Federal Through State Grant Funds in the amount of \$194,850. Resolution sponsored by Commissioner Joyce Avery.

**AVERY**

Chairman, Hospitals  
and Health Committee

14. Resolution requesting approval to amend the FY2007-2008 Operating Budget to allow for the full expenditure of the Ryan White Part A grant for the purpose of administering HIV Emergency Relief for the period of July 1, 2007 – March 31, 2008 and amending the FY 2007-2008 Position Control Budget. Sponsored by Commissioner Joyce Avery.

**CHISM**

Chairman, Law Enforcement  
Committee

15. Resolution approving an amendment of \$4,373 in the FY 2007-2008 General Fund Budget of the Shelby County District Attorney General's Office and to allow modification of the General Fund Operations & Maintenance budget. This item requires expenditure of County General Funds in the amount of \$4,373. Sponsored by Commissioner Sidney Chism

**CHISM**

Chairman, Law Enforcement  
Committee

16. Resolution approving a contract with Encor, LLC in the amount not to exceed \$492,203.46 and a change order allowance not to exceed \$49,220.54 for the installation of sanitary sewer improvements and amending the FY08 budget for the Corrections Fund in the amount of \$541,424.00. This resolution will require the expenditure of not to exceed \$541,424.00 from the Corrections Fund. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law Enforcement  
Committee

17. Resolution authorizing the Shelby County Division of Corrections to accept and expend a grant from Workforce Investment Network to fund one-half of the salary costs of the recruit classes of correction officers and Counselor C's in the amount of \$137,962.00 and amending the FY08 operating budget of the Division of Corrections. This item requires expenditure of Federal Grant Funds in the amount of \$137,962.00. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law Enforcement  
Committee

18. Resolution approving FY08 budget amendments for state revenues and personnel costs in the amount of \$500,000.00 for the Shelby County Division of Corrections. This item requires expenditure of Corrections Funds in the amount of \$500,000.00. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law Enforcement  
Committee

19. Resolution amending the FY 2007-2008 Operating Budget of the Juvenile Court of Memphis and Shelby County Child Support Enforcement Program. Sponsored by Commissioner Sidney Chism.

**CHISM**

Chairman, Law Enforcement  
Committee

20. A resolution to appoint a Judicial Commissioner and set the term of the appointment. Sponsored by Commissioner Joe Ford. (Deferred to 6/16/08)

**HARVEY**

Chairman, Economic  
Development and Tourism  
Committee

21. Resolution approving the FY 2009 budget of the Center City Commission. Sponsored by Commissioner James Harvey.

**FLINN**

Chairman, Community  
Services Committee

22. Resolution approving a contract in the amount of \$596,019 with Barnes & Bower, Inc., for the renovation of approximately 13,500 Sq. Ft. of Shelby County Head Start interior demolition & remodeling and this item requires expenditure of Federal Grant Funds in the amount of \$596,019. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

23. Resolution amending the FY 2008 Operating Budget for grant funds from the U.S. Department of Housing and Urban Development (HUD) in the amount of \$45,229.00 to provide substance abuse services for chronically homeless individuals. This item requires expenditures of U.S. HUD Grant Funds in the amount of \$45,229.00 and Shelby County Matching Funds of \$14,358.00. Sponsored by Commissioner George Flinn.

**FLINN**

Chairman, Community  
Services Committee

24. A resolution amending the FY 2008 Operating Budget for additional grant funds from the Tennessee Commission on Aging and Disability in the amount of \$389,800.00 for the provision of services specified in the Home and Community Based Services Medicaid Waiver Program. This item requires expenditure of grant funds in the amount of \$389,800.00. Sponsored by Commissioner Joyce Avery. (ADD-ON IN COMMITTEE)

**CARPENTER**

Chairman, Conservation  
Committee

25. Resolution amending the FY 2007-2008 Budget for Shelby Farms Park to decrease salaries and labor expenditures and to correspondingly increase outside contracts to fund payment to Shelby Farms Park Conservancy. This Resolution sponsored by Commissioner Mike Carpenter. (Amended in committee 5/28/08)

**GIBSON**

Chairman, Delinquent Tax  
Property Committee

26. Resolution approving the sale of Eight Delinquent Tax Parcels totaling \$51,500.00 from Tax Sale (s) 55, 94.5, 96.1, 0201, 0202 and 0204 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II. (DEFERRED TO 6/16/08)

**GIBSON**

Chairman, Delinquent Tax  
Property Committee

27. A resolution approving the conveyance of six (6) parcels of land 35,412 square feet (3.999 ACRES) in size, located on the east and west side of Booker T. Washington High School in the City of Memphis back to Memphis City Schools, without monetary consideration; and to authorize the Mayor to execute a Quit Claim Deed conveying said parcels of land back to Memphis City Schools for proper disposal. Sponsored by: Commissioner J. W. Gibson, II. (DEFERRED TO 6/16/08)

**GIBSON**

Chairman, Delinquent Tax  
Property Committee

28. A resolution approving the conveyance of a parcel of County owned Delinquent Tax Property 862,923 square feet (19.81 acres) in size, located on Mud Island south of Auction Avenue east of the Mississippi River to the City of Memphis, without monetary consideration; for the City of Memphis Parks to complete the Mississippi River Greenbelt Park and to authorize the Mayor to execute a Quit Claim Deed conveying said parcel of land to the City of Memphis. Sponsored by: Commissioner J. W. Gibson, II. (DEFERRED TO 6/16/08)

**GIBSON**

Chairman, Delinquent Tax  
Property Committee

29. Resolution approving the sale of twelve Delinquent Tax Parcels totaling \$45,400.00 from Tax Sale (s) 0005, 96.1, 97.4, 99.4, 0102, 0106, 0203, 0205, 0206 and 0304 pursuant to the provisions of TCA 67-5-2507. Sponsored by Commissioner J. W. Gibson, II. (DEFERRED TO 6/16/08)

***REGULAR AGENDA***

**Elections, Appointments, and Confirmations**

**FORD**

Chairman, General  
Government Committee

30. Resolution approving the County Mayor's nomination of Dawn Kinard for reappointment to the Memphis and Shelby County Land Use Control Board. Sponsored by Commissioner Joe Ford. (Amended in committee 5/28/08)



**FORD**

Chairman, General  
Government Committee

31. Resolution approving the County Mayor's nomination of the Joint City-County appointment of Cathy Simmons to the Memphis and Shelby County Downtown Parking Authority. Sponsored by Commissioner Joe Ford.

### Ordinances

**FORD**

Chairman, General  
Government Committee

32. ORDINANCE- THIRD READING--AN ORDINANCE TO AMEND THE SHELBY COUNTY CHARTER BY AMENDING SECTIONS 2.03 AND 3.04 RELATIVE TO THE TERM LIMITATIONS OF COUNTY COMMISSIONERS AND THE COUNTY MAYOR; BY REPEALING SECTION 4.06 OF ARTICLE IV; BY ADDING A NEW ARTICLE VIII SO AS TO CREATE THE OFFICES OF, AND ASSIGN THE DUTIES AND FUNCTIONS TO, THE SHELBY COUNTY SHERIFF, SHELBY COUNTY TRUSTEE, SHELBY COUNTY REGISTER, SHELBY COUNTY CLERK, AND SHELBY COUNTY ASSESSOR; AND BY PROVIDING FOR THE STATE LAW REQUIREMENTS FOR ESTABLISHING A CHARTER FORM OF COUNTY GOVERNMENT. SPONSORED BY CHAIRMAN DAVID LILLARD AND CHAIRMAN PRO TEMPORE DEIDRE MALONE.

**FORD**

Chairman, General  
Government Committee

33. ORDINANCE-THIRD READING -- AN ORDINANCE TO AMEND THE SHELBY COUNTY CHARTER BY DELETING EXHIBIT "A" AS A DUPLICATION OF THE CIVIL SERVICE ACT ORDINANCE; BY AMENDING SECTIONS 1.02, 2.02, 2.03, 2.04, 2.06, 3.03, 3.05, 3.07, AND 5.10 RELATIVE TO THE GOVERNMENTAL POWERS, COUNTY AUDITS, PURCHASING PROCEDURES, NOMINATION OF COUNTY COMMISSIONERS TO FILL VACANCIES, COUNTY COMMISSION CHAIRMAN'S SALARY, ORDINANCE ADOPTION AND EFFECTIVE DATE, COUNTY MAYOR'S DUTIES, VACANCY IN THE OFFICE OF COUNTY MAYOR, BUDGET PROCEDURES, AND RESIDENCY REQUIREMENT FOR COUNTY OFFICIALS AND EMPLOYEES; AND BY ADDING THREE NEW SECTIONS TO THE "GENERAL PROVISIONS" UNDER ARTICLE V RELATIVE TO HOLDING MORE THAN ONE ELECTIVE OFFICE, SUCCESSION OF AUTHORITY FOLLOWING A DISASTER, AND RECALL OF ELECTED COUNTY OFFICIALS. SPONSORED BY CHAIRMAN DAVID LILLARD AND CHAIRMAN PRO TEMPORE DEIDRE MALONE.

**Zoning and Subdivisions**

**Reports and/or Resolutions for Standing Committees**

**MALONE**

Chairman, Budget  
and Finance Committee

34. RESOLUTION APPROVING SHELBY COUNTY GOVERNMENT'S OPERATING BUDGET FOR FISCAL YEAR 2009. (Amended in Committee 5/28/08)

**GIBSON**

Chairman, Education  
Committee

35. Resolution amending the FY 2008 Capital Improvement Budget and Appropriating School Capital Funds in the Amount of \$11,537,402 from funds transferred for this purpose as authorized by resolution 63A adopted on June 25, 2007. Sponsored by Commissioner Deidre Malone. (Deferred to 6/16/08)

**FORD**  
Chairman, General  
Government Committee

36. A resolution approving contracts in the amount of \$2,000,000.00 with CIGNA Healthcare for prescription drug services for active employees and pre-65 retirees and with CIGNA behavioral Health in the amount of \$16,000.00 and these items require expenditure of Group Health Insurance Funds in the amount of \$1,516,000.00 and OPEB Trust Funds in the amount of \$500,000.00. Sponsored by Commissioner Joe Ford.

**FORD**  
Chairman, General  
Government Committee

37. Resolution amending Rule 7 of the Commissioners Permanent Rules of Order. Sponsored by Commissioner Joe Ford. (Deferred from 6/16/08)

**FORD**  
Chairman, General  
Government Committee

38. Resolution eliminating pay for unused sick leave at retirement for new employees. Sponsored by Commissioner Sidney Chism. (Deferred from 6/16/08)

**FORD**  
Chairman, General  
Government Committee

39. Resolution by the Board of Commissioners of Shelby County, Tennessee requiring criminal, sex offender, and child support background checks for all nominees to any board, agency, or commission that are appointed and/or confirmed by the Board of County Commissioners. Sponsored by Commissioner Henri E. Brooks. (Deferred to 6/16/08)

**FORD**  
Chairman, General  
Government Committee

40. Resolution to establish a hiring freeze until June 30, 2009, eliminate reclassifications for the same period, remove all positions vacant for 90 days or longer as of May 31, 2008 from the Fiscal 2009 department budgets and to provide a process to allow for necessary exceptions. Sponsored by Commissioner Deidre Malone. (Amended in committee 5/7/08 and deferred to 6/16/08)

**BROOKS**

Vice Chairman, Legislative  
Committee

41. A resolution requesting the Tennessee General Assembly to enact legislation to eliminate litigation taxes in criminal cases; to increase court costs in criminal cases; to make such costs a part of the criminal sanctions; and to create a work program whereby those convicted of crimes may be required to work off criminal fines and court costs in lieu of their payment. In the alternative, this resolution requests that these issues regarding criminal fines and costs be included in House Bill 3751 for study by a legislative council in conjunction with the administrative office of the courts. Resolution sponsored by Commissioner Joe Ford. (WITHDRAWN IN COMMITTEE 5/28/08)

**BROOKS**

Vice Chairman, Legislative  
Committee

42. A resolution requesting the Tennessee General Assembly to amended any caption bill now pending before it to establish a new division of general sessions court at Shelby County that would be solely dedicated to collecting unpaid fines, fees, levies, and court costs. In the alternative, this Resolution seeks to pay an additional salary of \$50,000.00 per year to any Judge or Judges who hear cases pertaining to the collection of unpaid fines, fees, levies and other costs due to the General Sessions Courts of Shelby County. Sponsored by Commissioner Joe Ford. (WITHDRAWN IN COMMITTEE 5/28/08)

**BROOKS**

Vice Chairman, Legislative  
Committee

43. Resolution by the Board of County Commissioners of Shelby County, Tennessee requesting the County Mayor's Administration to provide regular updates regarding state legislation requested by any board, agency, or commission that have members appointed by the Board of County Commissioners. Sponsored by Commissioner Mike Ritz. (Deferred to 8/4/08)

### **Announcements/Statements**

- 44. Notification from County Mayor of appointments/reappointments to various Boards, Commissions, and offices of Shelby County Government.**
- a) Resolution Appointing Betty Loveless and James Bostick as Retiree Members of the Unified Personnel Policy Committee Sponsored by Commissioner Joe Ford**
- b) Resolution approving the county Mayor's nomination for the joint city-county appointment of Anne Langston to the Memphis and Shelby County Community Redevelopment Agency to complete an unexpired term until September 1, 2008 sponsored by Commissioner Joe Ford**

### **Adjournment**

- 45. Resolution of adjournment to Monday, June 16 at 1:30 p.m.**